

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4054 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NAVINCHANDRA N VALAND

Versus

STATE OF GUJARAT

Appearance:

MR DA VAISHNAV for Petitioner

MR HL JANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/12/96

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner challenged, by filing this Special Civil Application, the order annexure 'D', and prayed therein that he may be considered to be a class IV employee and eligible for promotion to class III.

3. There is no dispute that the petitioner is

holding the post of Dresser in the Hospital. The petitioner has placed reliance on Rule 9(27) of the Bombay Civil Services Rules and the relevant extract thereof has been produced in para 6 & 7 of this petition. The petitioner has not reproduced complete rule. In the reply to the writ petition, the respondents have come up with the case that the post of Dresser is a superior class IV service. The petitioner has not produced the proviso attached to explanation 1 which provides that the post mentioned at Sr.No.4 thereof, which is a post of Dresser, is a superior post. This proviso leaves no doubt in the mind of the Court that the claim of the petitioner is wholly unsustainable.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

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(sunil)